Development (1932) Department

MS SERIES.

G.O. No. 994

DATED 25-7-32

M

[Despatch Abstract.]

Mines - Sunda Manganese mines - Hospet - Bellary District remission of dead rent - Appeal - Petition from Mr. Abdul Hye - Rejected -

SECRETARY TO GOVERNMENT
17 JUN 1932
REVENUE DEPARTMENT

1514 D/32
25-6-32

COURT FEE
TWO RUPEES

SECRETARY TO GOVERNMENT
23 JUN 1932
DEVELOPMENT DEPARTMENT

Bellary,
dated the 15th June
1932.

From:

Khan Saheb K.Abdul Hye Ex M.L.C
Proprietor,
The Bellary Manganese Mining Co.,
B E L L A R Y.

Rev dept
Development no

To :

The Secretary to Government,
Revenue Department,
Government of Madras,
O O T A C A M U N D.

Rev no. 1875 7.32-1
22.6.32

Sir,

I am the lessee of the Gunda Manganese mine in Hospet taluk of the Bellary district, covering an area of 1503 acres. The lease was granted on the 20th January 1927.

On account of the unfavourable character of the mining market, my firm was not able to work the mine satisfactorily. I have till now spent an enormous amount in trying to bring the mine into a working order.

The mining industry is in a most unsatisfactory condition on account of the ~~old~~ world's economic depression, and many important Iron, Steel, manufacturers have closed their concerns in Europe. To add to this trouble there is the competition by Russia which is supplying Manganese all over Europe, and India is unable to stand the competition. For the last six years the enterprise is in a state of collapse. Even in the Central Provinces, where Manganese enterprise was in a most flourishing condition, the biggest mine owners have closed down their mines. The present state of things is such that

P.T.O

even European firms, having direct dealings with European marke in the matter of selling their Manganese, are obliged to shut down their mining operations to a very large extent. Apart from the closure of the mines, huge stocks of Manganese are lying unsold all over the country, and it is impossible, as some experts have held, even to recover half the capital spent in producing the ore.

In the above circumstances, my firm petitioned to the District Collector of Bellary, on 21-10-1930 explaining the several difficulties under which the company was suffering, and requested him to refund the dead rent already paid, and to excuse further recovery of the same for some time to come. The Collector in his letter No. 6469/30, dated 26-12-30, informed me that it was not possible to refund the dead rent, but in the present state of depression, he would recommend to the Hon'ble the Board of Revenue for the suspension of the lease, and during the period of suspension, not to levy the dead rent. I agreed to the kind suggestion of the Collector, and submitted a petition accordingly. The Collector subsequently informed me in his letter No. 403/31, dated 1-3-1931, that the Board was pleased to suspend for a period of two years some of the conditions of the lease. The said letter of the Collector gave all the implied meaning that I was exempted from the payment of dead rent during the period of suspension.

After some time the Collector again wrote to say in his No. C. 3837, dated 7-1-1932 that the Board in B.P.Ms. 4118, dated 23-12-31, stated that the orders issued in its proceedings Ms. 570, dated 16-2-31, authorised only the suspension of the working of the area, and that dead rent should be collected from me.

This letter of the Collector was nothing short of a shock to me in view of the present depressed condition of the trade. This was contrary to the first decision of the Hon'ble

Board to suspend the lease for a period of two years, and to waive off the dead rent during the period of suspension.

I respectfully venture to submit that this second order of the Hon'ble Board is some what ungenerous, in view of the fact that I have already paid to Government about Rs. 6750/ by way of dead rent, besides putting a huge outlay in developing the mine, and I have not sold even an ounce of Manganese from this area ever since I took over the lease. Prior to the grant of the lease, I have paid a further sum of Rs. 1500/ for two years when I was holding only a prospecting licence. All these years have gone in simply developing the mine, and not a single piece was sold and money realised.

As compared with the Manganese of the Central Provinces and else where, the quality of the ore found in this mine is very inferior, and unsalable as the percentage of Manganese is far below 35%. Such ores are properly termed 'Manganiferous Iron ores' rather than Manganese ores. The dead rent fixed at Rupee one, an acre is unduly heavy. This would not be felt if there was a boom in the mining market.

Where there is failure of crops, whether by natural causes or otherwise, the Government have always been generous to grant either suspension or remission to the ryot. The Government have also recognised that the prosperity and happiness of the ryot, the peasant and the land owning classes is very dear to their heart.

On all these considerations I again appeal to the Hon'ble the Board on the 23rd March 1932, requesting the Board to reconsider my case.

The Board has now been pleased to dismiss my appeal, and I thought the only course left to me was to approach you for redress and hence this appeal to Government. The order of the Board in original is herewith enclosed duly stamped.

P.T.O

Quite in the copy to Govt of India

I further understand that a similar case relating to the Mysore Development Syndicate, owners of the Tummurguddi Manganese mine in Bellary district, is being considered by the Government. My case is also similar to theirs, if not more strong. They have at least sold large quantities of Manganese during the past years from Tummurguddi mines. I have simply spent money not selling even an ounce of the mineral, and have paid dead rents all along without the least benefit.

In conclusion, I beg to submit that I have got every hope that I will not fail to get justice at your hands, and the dead rent will be waived off in view of the circumstances explained above.

I beg to remain

Sir,

Your most obedient servant,

C.F. 88.

PROCEEDINGS
MEMORANDUM OF THE ~~BOARD OF REVENUE, LAND REVENUE AND SETTLEMENT,~~ Madras.

*Post Box No.*_____ *Telegraphic Address*_____

Name C.A.Souter Esquire, I.C.S., Commissioner of Land Revenue & Settlement.

B.P.Misc., *No.* 1182, *dated* 14th April 1932.

*Short title*_____

READ—the following :—

Petition from Khan Sahib K.Abdul Hye, Saheb, Proprietor, The Bellary Manganese Mining Co., Bellary dated 10th Febr. 1932.

Petition from Khan Sahib K.Abdul Hye Saheb, Proprietor, The Bellary Manganese Mining Co., Bellary, dated 23rd March 1932.

RESOLUTION:-

Mining lease - Manganese -(Bellary) Hospet Taluk -Gunda reserve - Remission or suspension of dead-rent Khan Saheb Abdul Hye Saheb - Petition dismissed.

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Dead rent can neither be remitted nor can its collection be suspended. The Board sees no reason to reconsider the orders already issued in the matter. The petition is dismissed.

(True Extract)

(Sd) K. Raman Nayar,

Assistant Secretary

To Khan Saheb Abdul Hye Saheb,
Proprietor, The Bellary Manganese Mining Co.,
Bellary.

Copy to the Collector of Bellary.

F O R W A R D E D

(BY Order)

Superintendent.
16.4.32

P.T.S.,
15/4

Tuks
KV
164

6/

Dev. Dept.

Lease - Mangnese - dead rent - Remission

C No 1514 I/32

2/8

Please see the petition from Mr Abdul Hye, Ex-M.L.C. in the C.7 specially the portion marked K at pp 2-3 C.7. Which gives out his case.

2 The petitioner states that the letter from the Collector of Bellary communicating to him the orders of the Board of Revenue suspending some of the for a period of two years some of the conditions of the lease, gave him the implied meaning that the deadrent due from him was also remitted. Submitted that as the correspondence in question is not available, the petitioner may be asked to send copies of the letters from the Collector of Bellary quoted in p 2 C.7 to examine the case further. It may however be pointed out that deadrent cannot be suspended or remitted as the

cf p 3 C.7

rules now stand without the sanction of the Govt of India (Please see a similar case in the linked file). A draft endorsement is submitted for approval.

29.6.32

I think the decision in the linked file will apply to this case. If the govt. decide to grant the requisite sanction and address the Govt of India for a remission of the dead rent, the Board of Mines may be asked to specify the facts and the amount of rent due from the petitioner in this case.

[illegible]

But have the Govt of India any power to remit a certain dead rent, or is it the case relinquishment?

[illegible]

A above

Reference is solicited to the preamble to the Govt of India Rules at pt 54 of the Mining Manual. The Govt of India will have to obtain the sanction of the Secy of State for remission or reduction of dead rent. The Rules as they are do not seem to vest power in the Govt of India.

S. To

B above

Reference is solicited to Rule 50 (xiii) & (xiv) at p 81 of the manual. The non payment of dead rent will be a breach of condition in the lease (Rule 50 xiv) and therefore the Govt can determine the lease or in the alternative may accept payment of penalty, not exceeding twice the amount of the annual dead rent from the lessee. The lessee can also relinquish under Rule 54 at p 82 of the mining manual.

9.7.32

RVS
18.7.32

Subject in the other case

(an explan should be sought for the delay. The office contains date the date [illegible] Hon the 13th.)
18.7.32

Integrated & placed below
13.7.32

The other case ~~is linked~~ has been disposed of by G.O. 908 R & S. 7.32 (7)

19.7.32

RR
19.7.32 S.

The order may be issued this case also
S 19/7

A draft order is submitted for approval

Done
RR
22.7.32

21.7.32

Scott. II-5 (a)

9/25/7

Mines 4 Dev DEPARTMENT.

	Date.	Initials.
When received for Fair-copying		
When copied		
When examined		
When signed		
When despatched		

Gundu manganese mine — Hospet — Bellary Dt. remission of dead rent. Appeal Petition for Mr Abdul Hye. Rejected

READ AGAIN G.O. No. ....., dated 19

" " " ..... " 19

READ ALSO :—

C No. 1514/2 From the Khan Saheb A. Abdul Hye, No. 1-3 C-7, dated 15-6 1932

" " ..... " " ..... " ..... " 19

" " ..... " " ..... " ..... " 19

ORDER. No. 994, dated 25-7-32 19

WS

The Govt are unable to comply with the request of the petitioner as they have no authority to remit or suspend payment of dead rent.

2/ Khan Saheb K. Abdul Hye is referred to the Board of Rev for orders on his petition to Govt.

21.7.32

RB 22/7/32

To the Bd of Rev LR&S (with copy of petition at pp 1-3 C-7)

Khan Saheb K. Abdul Hye, Ex. M.L.C. Proprietor, The Bellary Manganese Mining Co., Bellary (Hospet)

[redacted]. 304—3,265 Bks.—25-9-29.

OFFICE OF THE _____

Dated _____ 19

_____ Hours _____ Minutes.

TELEPHONIC MESSAGE.

From Supt Dev D Sptt

To Supt in charge of mines (Bd of Rev)

Pl. say whether the Govt of India have power ~~under~~ the mining rules to remit or reduce dead rent without the specific sanction of the Secy of State for India.

If the lessee fails to pay dead rent what is the consequence. Is it ~~the determination~~ of lease by first by taking possession of land or can the lessee retain it ~~if his accounts~~.

11-7-32

[redacted]D.F. 304- 3,265 Bks.—25-9-29.

OFFICE OF THE _____

Dated _____ 19

_____ Hours _____ Minutes.

ELEPHONIC MESSAGE.

From
The Supdt in charge of mines
Bd of Rev

To
The Supdt. Dev Dept.

Ref:- your T.M of 11.7.32 re powers of G of I relating to reduction or ~~revision~~ remission of dead rent

There is no information available here whether the G of I can reduce or remit dead rent without the sanction of the Secy of State.

If a lessee fails to pay dead rent action may be taken under clause 2 of part IX. As regards relinquishment attention is invited to rule (54) at p 82. of the Mining Manual.

13.7.32

13.7.32